IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 30122 of 2007(J)

PETITIONER:

MOHAMMED NIZAR P.M., AGED 45 YEARS,
S/O. MOIDEEN KUNHI, U.D. CLERK (H.G),
PRINCIPAL SUB COURT, THALASSERY, RESIDING AT
'DHARUL NISHAM', MARAKKARKANDI, KANNUR CITY,
KANNUR DISTRICT.

BY ADV. SRI.K.N.CHATHUKUTTY

RESPONDENTS:

THE DISTRICT JUDGE, THALASSERY.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 30122 of 2007

Dated this the 6th day of November, 2007

JUDGMENT

Petitioner is a U.D.Clerk, presently working in the Principal Court, Thalassery. He was earlier working in the Munsiff's court, Kannur and from there he was transferred to the Sub Court, Thalassery with effect from 20.6.2006 as evidenced by Ext.P1 order.

2. Petitioner contends that he is a physically handicapped person with 50% disability due to post polio rendual paralysis of both lower limbs with fort limb and equines deformity. He needs the assistance of a person to go to the office and even at the residence. He finds it difficult to walk even short distances. Petitioner made reference to Exts.P2 and P4 medical certificates.

3. Though normally a transfer from Kannur to Thalassery should not cause any difficulty to any government servant, apparently, the petitioner is put to difficulties on account of his physical disabilities. He, therefore filed Exts.P7 and P9 before the respondent seeking a transfer back to Kannur District. Petitioner prays that the respondent be directed to take a decision on the said applications taking note of the petitioner's peculiar physical attributes.

4. After having heard the learned counsel for the petitioner and

the learned government pleader, I am of the view that the respondent should look into the petitioner's request for a posting back to Kannur sympathetically, and if there are no other factors which stand in the way, the same should be redressed as well.

The writ petition is therefore disposed of directing the respondents to consider the petitioner's request for transfer back to Kannur as noted in Exts.P7 and P9, and take a decision thereon, in the light of the observations made above, and in accordance with law, within a period of three weeks from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of the judgment as also a copy of the writ petition before the respondents.

V. GIRI, JUDGE

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